

A Regular Meeting of the City Council of the City of Hickory was held in the Council Chamber of the Municipal Building on Tuesday, August 17, 2021, at 7:00 p.m., with the following members present:

Tony Wood	Hank Guess	David L. Williams
Charlotte C. Williams	Aldermen	David P. Zagaroli
Danny Seaver		Jill Patton

A quorum was present.

Also present were City Manager Warren Wood, Deputy City Manager Rodney Miller, Assistant City Manager Rick Beasley, Deputy City Attorney Arnita Dula, City Attorney John W. Crone, III, Deputy City Clerk Crystal B. Mundy and City Clerk Debbie D. Miller

- I. Mayor Guess called the meeting to order. All Council members were present.
- II. Invocation by Reverend Bob Thompson, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
 - A. Redistricting Information – Presentation by Deborah Stagner with Tharrington Smith

Deborah Stagner with Tharrington Smith presented a PowerPoint presentation. She advised that she had with her Blake Esselstyn who was the Demographer that was working with her. They did not expect to have the census data so early, but they got it and he was present. They would be sharing the presentation. She mentioned that some of the Council members may remember her from 10-years ago. Some new faces. For the Council members who had not been through this process before, redistricting was the regular process of adjusting the lines of voting districts in accordance with population shifts that were calculated after the census every 10-years. For entities that use those true election districts, this meant redrawing the lines of their election district. The City had engaged her law firm Tharrington Smith and their Demographer Blake Esselstyn with Mapfigure Consulting to assist and advise the City Council in its reapportioning of its electoral districts. They were associated with the local redistricting service. This was something new this year. Last time she drew maps, but they had someone who was much more professional to do that this time. He was a professional Demographer. They were a group of lawyers. She and her partner, Adam Mitchell, at Tharrington Smith and some other attorneys from around the State had come together and associated to work with local governments on redistricting in a nonpartisan basis. They were committed to not using election data and using only open meetings and having a very transparent process. She advised in their presentation they were going to cover these topics: who needs to redistrict; demographic changes; legal considerations; an overview of the whole process; and then a timeline at the end and of course, any questions. She would be happy to answer them along the way, or they could wait until the end.

Ms. Stagner posed the question does the City of Hickory need to redistrict? The first question that they need to look at was do you use true election districts? That was because of the constitutional principle of one person, one vote that required true election districts to be a portion so that votes have equal weight. Regular reapportionment of those electoral districts was required to prevent them from becoming so out of balance that that principle of equal protection in one person one vote was violated. It did not apply to residency districts or those districts that were elected at-large, but there were several dozen municipalities in North Carolina that were subject to redistricting and Hickory was one of them, although Hickory was unusual in the fact that they City uses a hybrid model and have their nominations by ward and then elections at-large, but because those wards nominate and they were true electoral districts for that purpose of that primary the City was subject to one person, one vote. The City must determine whether or not the districts were in balance. Which brought them to the next test, do you need to redistrict? Are your districts substantially equal? Districts do not have to be exactly equal in the context of local legislative redistricting. There could be a deviation from that perfect population size to accommodate other traditional redistricting principles and objectives, but the traditional rule of thumb that courts had applied was that each district should be within plus or minus five percent of the ideal size and if it does then it was presumptively within the one person one vote. It presumptively complied. She asked Blake Esselstyn to continue the presentation.

Blake Esselstyn, Mapfigure Consulting, commented that it was good to be here again. He had come a few months ago and met with staff and got a little bit familiar with the geography. He noted that he was from a little west of here, but he had enjoyed that visit and being here this time as well. It was clear that there was a lot of change happening in Hickory and that was part of the reason that they were doing this. He would start with looking at a little bit of change across the State. Normally he would have done his own maps, but as Ms. Stagner alluded to, the census numbers just came out on Thursday afternoon. They were expecting them this afternoon, but because they came out last Thursday, they had more information and were able to provide a little bit more in the way of guidance. He referred to the PowerPoint map and advised it was taken from the Census Bureau's website. He pointed out that it was North Carolina and there were a lot

of counties that had a reduction in population. In fact, more than half, 51 of 100 counties had a reduction in population. He pointed out the areas which showed an increase in population. He pointed out Catawba County, Burke County and Caldwell County on the displayed map. Catawba County as a whole had a slight increase between zero and a little less than five percent. He displayed another statewide slide. He noted population growth or population change was not distributed evenly across the State and it was not distributed evenly within counties either. This was a map by census tract from the News and Observer. He noted on this map that even within counties they were different shades and different colors. In order to balance things out again, that was why they were going through this process. He knew Council was familiar with the wards. He displayed a map showing the current wards, according to the 2010 census the population was 40,010, and 2020s total reported population was 43,490. That was an 8.7 percent growth. Higher growth, more substantial growth than Catawba County as a whole. One thing that was interesting about that, it was a departure from the majority of the counties as he had talked about, but also a lot of the cities census numbers were lower actually than what the estimates had been in 2019. Whereas, City of Hickory, the actual census count from 2020 was higher. The growth level was higher than what had been estimated by the Census Bureau for 2019. He reiterated, 8.7 percent growth. What Ms. Stagner had referred to earlier, the key thing about this process was getting the populations of these wards balanced. He had run these numbers. He referred to the PowerPoint slide and explained that the color of the bars corresponded with the color of the ward as shown on the map. He pointed out there were two districts that were within the plus or minus five percent. He pointed out a solid line in the middle which represented the ideal population, the dotted line up on top was the high level, basically the plus five percent which was the threshold that they would have to be under on the high side. He pointed out the dashed line which was the threshold on the low side. There were two wards that fell within the acceptable deviation and that was wards two and three, but the other ones were either too low or too high. He turned the presentation back over to Ms. Stagner.

Deborah Stagner discussed some of the legal aspects. She asked what was the statutory authority to redistrict? And who was responsible for redistricting? That was City Council. Under the City's Charter and under State law, City Council was responsible for this process. The plan did not have to be approved by voters or any other entities. In some cases, there may be a court order, but the City was not subject to any pending court orders. The State law that was generally applicable was North Carolina General Statute Chapter 160A-23 and 160A-23.1 for redistricting after a census. But this year, as they all knew, the census data was delayed. There was a lot of uncertainty about municipal elections that were scheduled for fall of this year. The General Assembly passed Session Law 2021-56 that said when there were municipalities that use election districts, they would delay their elections and that upon the release of the 2020 census data, the municipalities with elections delayed in accordance with that law, would review and revise their electoral districts. That was the governing law for this period of time for this census and this redistricting cycle. As she had already said, each district must be substantially equal in population. She posed the questions, what were the issues that Council could consider and should consider and what were the issues that Council should not consider? The question that often comes up and was raised was about race. Do they consider race? And how could they consider race? The general rule was that they could not consider race to disadvantage minority voters. Electoral districts must not be drawn so that they dilute or over concentrate racial minorities voting strength. The US Constitution prohibited drawing election districts for the purposes of discriminating against minorities. Section Two of the Federal Voting Rights Act prohibited any election method that had the effect of denying minority voters an equal opportunity to elect candidates of their choice. Race could not be a predominant factor in drawing their district lines. They could not use that to the exclusion of other traditional redistricting principles. If the court were to be looking at that, the court would determine, "well does race explain this district better than some other neutral redistricting principles?" Of course, sometimes they do have to consider race and that was under Section Two or if there was an existing court order, which as she had said was not the case here, but there may be a Section Two issue under the Voting Rights Act, where there was a cohesive group of minority voters that were in an area that they could draw districts so that they could have representation. If they do not draw that district, then their votes would be defeated, and it would be disadvantageous to the minority voters. In that case they may have to consider whether they need to draw a majority minority district to comply with Section Two of the Voting Rights Act. As with many things in the law, they could not consider race unless they have to consider race. When they were looking at the maps and looking at the population distribution in Hickory, they would be looking at the numbers and seeing what the population breakdown was in Hickory. Other than that, what were the guiding principles? They have to look at substantial equality of population. That was the whole purpose for this task. They do look at total population, not voting age population, not citizens, not some other aspect, they look at the total population as reported by the census. They would want to look at generally, contiguity to make sure that all of their wards were within a continuous boundary except of course, for those satellite areas that they have within the City. They may want to consider other administrative boundaries, precincts, township lines, things that are other administrative

units that they may want to consider. Are there communities of interest? Are there intact neighborhoods or other historical areas that have always been together in a district or in a ward that they do not want to split up? Having boundaries follow things that makes sense to people as they were looking at it on the ground, major roads, railroads, rivers, other things like that. These were some of the guiding principles that they may want to consider when they were looking at giving guidance to them to draw maps. There were some more guiding principles, some more examples. They may want to consider preserving the core of their existing districts and that was a way to avoid voter confusion and have continuity. They may want to consider compactness trying to avoid the spider looking districts. They may want to consider incumbency and that was a valid redistricting principle. It was not required, but it was certainly something that Council may consider important and direct them to take into account. Then they may also want to plan for future population growth or annexations. When they were thinking about what was going to happen 10-years from now when they do this again, if they were quite certain that there was an area of the City that would experience more growth, than perhaps another part of the City, they may want to bring that district a little bit under and a little closer to that five percent under so that it could accommodate some growth that may catch up with it in the next 10-years. They were not going to consider any partisan considerations, any election data, or any party data.

Ms. Stagner discussed the process. She advised they were combining the first two steps to determine the need to redistrict based on population disparities. When she was putting the presentation together, she was not sure that they were going to know that tonight. They had that answer. And then adopt some criteria, some guiding principles, give some direction to Mr. Esselstyn, so that when he sits down to come up with some proposals for Council to consider, he would have that guidance in mind. He would prepare two to three alternative plans for Council to look at. They were required to hold a public hearing. She referred to the Session Law which she had mentioned earlier and advised there was a requirement to get public input after the census data comes out and to hold at least one public hearing before the redistricting plan was adopted. That was an important step in their process. Once they have that public hearing, they could review and revise the plans that had been presented and then adopt a Resolution. She had put in the date of December 17th because that was the very last date that was possible. She advised that Mr. Esselstyn would discuss the timeline for that as well. The final step, once Council has adopted the Resolution, the new maps would be sent to the County Boards of Elections so that they could inform voters and get ready for the next election. She turned the presentation back over to Mr. Esselstyn to discuss the timeline.

Mr. Esselstyn advised when he spoke and visited with staff, he was given information about the special situation that the City of Hickory was in. They did not need a crystal ball to know about growth that had happened since the census. In other words, census day was April 1, 2020, and he understood there was some significant multi-family projects, some very close to City Hall that would be coming online or already had come online as well as some in the eastern and northeastern parts of the City. He had a map with a whole bunch of notes. It was not something that they needed to look into a crystal ball and try and anticipate where there would be some population growth. There was some that had already changed in the last 16-months or so. He discussed the timeline. He referred to the PowerPoint slide and explained the top line was the starting time of August and the months of 2021. He also included just the beginning of 2022. These timelines had gotten a lot simpler now that the data was out. He explained the graph, and advised he started the date as tomorrow (August 18, 2021), but they certainly could have started it today. He pointed out that the November 17 deadline, which was the initial deadline was essentially three-months from today. There was the option, which he pointed out on the PowerPoint and was labeled as the fallback. It essentially gave an additional month so that the absolute deadline would be December 17th. One month later. He advised there was a process that they needed to communicate with the Board of Elections about. He referred to another bar and commented they may be wondering if they were familiar with the typical filing period would begin on December 6th? Why could they not wait until December 6th? The County and State Boards of Election need time to do the processing of the redistricting data so that when people do file to run, they can verify that the person indeed lives in the district that they were supposed to run in. There was a period of 18-days for the Boards of Election to process the data there. It was up to Council as to whether they thought it was worth considering having that extra time or trying to finish with sort of the basic initial November 17th deadline.

Mayor Guess asked how difficult it would be for their process to be able to meet that first deadline. He asked if that three-months period was sufficient or would they need more time.

Mr. Esselstyn replied he would say that it was sufficient provided that they get the information from Council about, for example the guiding principles and criteria. For example, they were working with some counties and school boards, and they don't have this extra month. They are required to finish by November 17th. It was certainly a process that could be done within this three-month window.

Ms. Stagner commented under the Session Law that was applicable, City Council needs to inform the Board of Elections by November 12th if they would be able to complete the process by November 17th and if they were not then they would have until December 17th. It was a little bit of a unique period and actually when they were so concerned that cities were going to be very crunched for time before they had this new legislation, cities actually now have a little more time than counties and school boards do. They need to decide by November 12th as to whether or not they could complete the process by November 17th and they should know well before that.

Mr. Esselstyn commented one caveat that he would say was that Tuesday evenings were a popular time to have meetings. There was what some consultants call schedule congestion. There may be a time when they see an option for a meeting on their calendar, when they thought it would be good to have the public hearing and they would like to have them here but there was a conflicting meeting. That could be one reason. Even though three-months was sufficient time, the potential for schedule conflict might be a reason to just add that extra month to have more flexibility about scheduling.

Mayor Guess asked if it was permissible to have a special meeting related to this.

Ms. Stagner responded yes, as long as it was a properly noticed open public meeting then there was no problem with having a special meeting. They could choose to have that special meeting for a work session, for a public hearing, or just to consider any of this.

Alderwoman Patton thought that the last time Council did a work session where they went through all the maps, and she thought that was very useful.

Ms. Stagner commented she had noticed in going back through her notes that there was at least one special meeting last time around.

Mr. Esselstyn advised they were open for questions or discussions.

Alderwoman Williams commented they were looking at either November 17th or December 17th, correct. She asked how that would affect the filing date.

Ms. Stagner responded the filing period would be a later filing period. If they chose the later date. She did not know if their local Board of Elections had preferences about that or if there were any other competing factors, but the statute allows them to have that extra time.

Alderwoman Williams wondered if they would have some preference if there were other groups that were doing either earlier or later. They would have to check with them.

Mayor Guess asked for any other questions from Council. He thanked Mr. Stagner and Mr. Esselstyn.

City Manager Warren Wood questioned the criteria which were going to be presented tonight.

Ms. Stagner thought they had previously provided staff with a list of examples of criteria that they could choose. The sooner that Council decides on those criteria and gives them some direction the sooner that Mr. Esselstyn could get started and they could move this process along if that was something that Council was prepared to act on tonight.

City Manager Warren Wood commented that Council had the 10 criteria. He asked if there were any questions related to any of those?

Mayor Guess asked if Council needed to vote to have them go ahead.

City Manager Warren advised they would get it into the agenda for the next board meeting, so the public can see what the 10 are.

Mayor Guess confirmed that would still give them sufficient time if they do it that way. He commented they were not prepared to vote on anything tonight, but he thought that it would be their preference to do it sooner rather than later. In this particular election cycle, there were four of the Council members effected by the way they do it, so they would take that under consideration as well.

- B. Presentation of the 25th Consecutive Certificate of Achievement for Excellence in Financial Reporting to the City of Hickory by the Government Finance Officers Association of the United States and Canada for its Comprehensive Annual Financial Report – Presentation to Finance Officer Melissa Miller.

Mayor Guess asked Finance Officer Melissa Miller to the podium. He recognized the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting for the 25th consecutive year. He read the following, the Government Finance Officers Association of the United States and Canada has appointed the Certificate of Achievement for Excellence in Financial Reporting to the City of Hickory for its Comprehensive Annual Financial Report for fiscal year ending June 30, 2020. The report had been judged by an impartial panel to meet the high standards of the program which includes demonstrating a construction spirit of full disclosure to clearly communicate its financial story and motivate potential users and user groups to read the report. He mentioned that Ms. Miller had worked for the City for 26-years, and the City had gotten the award for 25 of those 26-years. He knew that she depended on other staff members to assist with this. He presented her with the certificate and noted the award was forthcoming.

V. Persons Requesting to Be Heard

VI. Approval of Minutes

A. Regular Meeting of August 3, 2021

Alderman Patton moved, seconded by Alderman Seaver that the Minutes of August 3, 2021, be approved. The motion carried unanimously.

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

Alderman Patton moved, seconded by Alderman Williams that the following be reaffirmed and ratified on second reading. The motion carried unanimously.

A. Approval of the Implementation of a Speed Limit Reduction to 25 MPH along 15th Avenue NW between 6th Street NW and 4th Street Drive NW. (First Reading Vote: Unanimous)

B. Budget Revision Number 24. (First Reading Vote: Unanimous)

C. Budget Revision Number 2. (First Reading Vote: Unanimous)

VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

Alderman Patton moved, seconded by Alderman Seaver approval of the Consent Agenda. The motion carried unanimously.

A. Approved Closing Both Locations of Hickory Public Library on Friday, September 17, 2021, from 9:00 a.m. to 5:00 p.m. for Staff Training.

Staff requests closing both locations of Hickory Public Library from 9:00 a.m. – 5:00 p.m. on Friday, September 17, 2021, for staff training. Public library staff regularly interact with the public and, to provide the best possible customer service, it is necessary to periodically provide training opportunities in which all staff participate at the same time. This year staff will receive training in customer service for the City's diverse community and prepare for upcoming library programs. Customer service training specific to each library department will be included. All library staff, both full-time and part-time, need periodic opportunities to participate in staff development training to re-energize, acquire new skills, and improve their ability to work together as a team. To allow all coworkers to participate, it is necessary to schedule the training during a workday. Staff determined that Friday, September 17, 2021, is a date that would create as little disruption as possible in service to the public. Staff recommends the Patrick Beaver Memorial Library and the Ridgeview Branch Library be closed on Friday, September 17, 2021, to allow time for all library employees to participate in staff training.

B. Approved the Purchase of a John Deere Loader in the Amount of \$165,571 from James River Equipment.

Staff requests Council's approval of the purchase of a John Deere 524 P Wheel Loader with grapple bucket in the amount of \$165,571 from James River Equipment. This price includes a 1-year warranty. The Public Services Street Division operates various types of equipment in the practice of operating, maintaining, and managing roadway infrastructure. The Division currently uses a 2000 Case rubber tire loader. The equipment on that unit is outdated, no longer working, and parts are difficult to find. This equipment is being replaced as a component of the Public Services Street Division's normal Capital Budget and is budgeted in this fiscal year. Specifications were prepared by the Street and Fleet Divisions to ensure the City purchased the equipment that would

best serve the Division. Selection of equipment was made using the NC State Contract-NCDOT-070E and the North Carolina Sheriff's Association Contract for pricing. Staff recommends Council's approval of the purchase of a John Deere 524 P Wheel Loader with grapple bucket in the amount of \$165,571 from James River Equipment using the NC State Contract.

- C. Approved the Purchase of an Automated Side Loading Garbage Truck in the Amount of \$285,976.06 from Amick Equipment.

Staff requests approval of the purchase of a 2022 Crane Carrier Company cab/chassis with a New Way Sidewinder ASL 29-yard tilt to dump body from Amick Equipment in the amount of \$285,976.06. The City uses automated side loader trucks for residential service collection of refuse. This unit allows for residential solid waste to be collected by a single operator and collects approximately 800 residential cans per day. This truck will replace a similar piece of equipment purchased in 2011. The Residential Solid Waste Division capital equipment improvement plan includes the replacement of a sidearm automated refuse truck in FY 21-22. Staff from the Solid Waste and Fleet Division's prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the NC Sheriffs Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs Association bid #19-03-0504RR. Staff recommends Council's approval of the purchase of the automated side loading garbage truck in the amount of \$285,976.06 from Amick Equipment per the N.C. Sheriffs Association reference bid #19-03-0504RR.

- D. Approved the Purchase of 2022 Freightliner Cab/Chassis in the Amount of \$166,567 from Carolina Environmental Systems, Inc.

Staff requests approval of the purchase of a 2022 Freightliner Cab/Chassis with a New Pac Mac Loader model #KB20H ML and a New Pac Mac model #TKB 18/24 per the N.C. Sheriffs Association reference bid #22-06-0426 in the amount of \$166,567. The City uses a boom truck for collection of large and heavy refuse and yard waste piles. This unit allows for refuse and yard waste to be collected daily within routes that have been called in for special pickup due to their size or safety concerns. This truck will replace a similar piece of equipment purchased in 2009. The Residential Solid Waste Recycling Division (4800) capital equipment improvement plan includes the replacement of a Boom Truck in FY 21-22. Staff from the Solid Waste and Fleet Division's prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the NC Sheriffs Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs Association bid #22-06-0426 item #2572. The approved Residential Solid Waste Recycling Division (4800) Capital Budget includes purchase of a Boom Truck in the amount of \$166,567. Staff requests Council's approval of the purchase of the boom truck in the amount of \$166,567 from Carolina Environmental Systems, Inc. per the N.C. Sheriffs Association reference bid #22-06-0426.

- E. Approved a Resolution for the Issuance of up to \$10 Million Dollars General Obligation Public Improvement Bonds, Series 2021.

RESOLUTION NO. 21-36
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HICKORY, NORTH
CAROLINA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$10,000,000
GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2021

(Resolution No. 21-36 on file in the City Clerk's Office, which is hereby incorporated by reference and made a part of the minutes.)

- F. Approved the Purchase of a 2021 Freightliner M2106 Cab/Chassis from Carolina Environmental Systems Inc. in the Amount of \$198,758.04.

Staff requests Council's approval of the purchase of a Freightliner M2106 Cab/Chassis with a Pac Mac 25-yard chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference Lot 90 Rollover Bid #20-04-0506R in the amount of \$198,758.04 from Carolina Environmental Systems Inc. The City uses automated leaf trucks for efficient collection of loose leaves within the Recycling Division's Yard Waste Service. This unit allows for loose leaves to be collected by a single operator and collects approximately five loads per day at 6,000 pounds per load average. This truck will replace a similar piece of equipment purchased in 2007. The Solid Waste Recycling Division's capital equipment improvement plan includes the replacement of an automated leaf truck in FY 21-22. Staff from the Solid Waste and Fleet Division's prepared specifications to purchase equipment meeting the City's requirements. The City participates in a buying cooperative with the NC Sheriffs Association that meets all bidding requirements and allows for the purchase of equipment in a more expedient

manner from a larger pool of vendors. The specified truck applies to the NC Sheriffs Association Lot 90 Rollover Bid #20-04-0506R. Staff recommends Council's approval of the purchase of 2021 Freightliner M2106 Cab/Chassis with a Pac Mac 25-yard chassis mounted automated leaf collection unit per the N.C. Sheriffs Association reference Lot 90 Rollover Bid #20-04-0506R in the amount of \$198,758.04 from Carolina Environmental Systems Inc.

- G. Approved a Community Appearance Grant for Non-Residential Property Owned by Hickory Bulldawg Properties, LLC Located at 31 3rd Street SW in the Amount of \$7,500.

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Hickory Bulldawg Properties, LLC located at 31 3rd Street SW in the amount of \$7,500. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves renovating the building with new stucco and masonry. The property is located within the City's defined Urban Revitalization Area and is eligible for the consideration of a Community Appearance Grant. The applicant received a grant for the outlined improvements last fiscal year but encountered problems getting the chosen contractor to begin the work. The applicant has since retained a new contractor who is currently doing interior work and will proceed with exterior work after a decision is made to fund the requested grant. The applicant provided two estimates for the work which total \$20,000 and \$22,000. If Council moves to approve the proposed grant at the lower of the two estimates, the request will qualify for a \$7,500 grant. The subject property's current tax value is assessed at \$108,400. The requested grant amounts to 6.9 percent of the property's tax value. The application was reviewed by the Community Appearance Commission and scored the application at 24 points out of a possible 36 points, which placed the application into the high category of scoring. The Commission unanimously recommends funding of the grant application in the amount of \$7,500.

- H. Approved a Community Appearance Grant for Non-Residential Property Owned by Fuse Properties, LLC Located at 14 1st Avenue NW in the Amount of \$4,863.

The Community Appearance Commission recommends City Council's approval of a Community Appearance Grant for non-residential property owned by Fuse Properties, LLC located at 14 1st Avenue NW in the amount of \$4,863. City Council created the Community Appearance Grant program to provide economic incentives for property owners to improve the general appearance of properties located within the City's designated Urban Revitalization Area. The Community Appearance Commission reviews applications for the grant program and forwards a recommendation of approval or denial to City Council. The grants are designed as a reimbursement grant in which the City of Hickory will match the applicant on a 50/50 basis. The maximum grant amount from the City of Hickory is \$7,500. The grant proposal involves the replacement of the building's windows, which were covered during prior renovations. The property is located within the City's defined Urban Revitalization Area and is eligible for the consideration of a Community Appearance Grant. The applicant has provided two estimates for the work, the low estimate totals \$9,726. If Council moves to approve the proposed grant at the lower of the estimates, the request qualifies for a \$4,863 grant. The subject property's current tax value is assessed at \$142,600. The requested grant amounts to 3.4 percent of the property's tax value. The application was reviewed by the Community Appearance Commission. After consideration the Commission scored the application at 24 points out of a possible 36 points, which placed the application into the high category of scoring. The Commission unanimously recommends funding of the grant application in the amount of \$4,863.

- I. Approved the Purchase and Up-Fitting of Ten 2022 Ford Police Interceptor Utility Vehicles in the Amount of \$48,644.97 Per Vehicle from Four Seasons Ford.

Hickory Police Department (HPD) requests approval to purchase and up-fit ten specialized police package emergency vehicles. HPD staff and the City of Hickory Fleet Manager have researched and reviewed independent comparison studies comparing available police package vehicles. The 2022 Ford Police Interceptor Utility all-wheel drive best fits the needs of the department based on a number of considerations. Four Seasons Ford in Hendersonville, NC currently has the NC Sheriff's Association Contract for the 2022 Ford Police Interceptor Utility all-wheel drive with a base price of \$32,259.95. Four Seasons Ford has partnered with Global Public Safety, LLC in Statesville, NC to provide the total "turnkey" up-fitting of these ten specialized police package emergency vehicles. Global Public Safety, LLC would install all of the specialized and emergency equipment. Added Ford Factory options that are needed include the following: dark car

feature - \$23.50; daytime running lights - \$42.30; red/ white dome light in cargo area - \$47; driver's side LED spotlight (Whelen) - \$394.80. Added up-fitting options provided by Global Public Safety, LLC - \$15,877.42. Total purchase and up-fitting price - \$48,644.97. Hickory Police Department recommends the purchase and up-fitting of ten all-wheel drive 2022 Ford Police Interceptor Utility vehicles from Four Seasons Ford on the NC Sheriff's Association Contract at a cost of \$48,644.97 per vehicle and a total cost of \$486,449.70. Funds are budgeted in the FY 2021/2022 CIP.

- J. Approved the Citizens' Advisory Committee Recommendation for Assistance through the City of Hickory's Housing Programs.

The following applicant was considered by the Citizens' Advisory Committee at their regular meeting on August 5, 2021; and is now being recommended for approval for assistance under the City of Hickory's 2020 Urgent Repair Program. This program provides qualified low-income citizens with assistance for emergency related repairs not to exceed \$10,000.

➤ David and Lisa Staats, 303 17th Street NW, Hickory – up to \$10,000.

The Citizens' Advisory Committee recommends approval of the aforementioned request for assistance through the City of Hickory's housing assistance programs.

- K. Approved the Bid and Award of the Contract with Midstate Contractors, Inc. for Asphalt Resurfacing.

Staff request Council's approval of bid and award of the contract with Midstate Contractors, Inc. for asphalt resurfacing in the amount of \$58.75 per ton for S9.5B asphalt surface, \$52.35 per ton for S9.5C asphalt surface, \$56.75 per ton for asphalt parking lots for S9.5B, \$621.40 per ton for binder, \$60 per ton for levelling course, \$131 per ton for patching, \$3.15 per square yard for edge milling, \$10 per square yard for asphalt milling (100-1,000 square yards), \$8 per square yard for asphalt milling (1,001-3,000 square yards) and \$6 per square yard (3,001-6,000 square yards). Public Services Department -Transportation Division staff annually prepares formal bid documents for estimated quantities of resurfacing that are planned to ensure continuous maintenance and improvement of roadways. The City's budget includes a value of work to be completed and roadways are determined by a condition model up to the budgeted amount. All work will be paid on an in-place unit price basis as the resurfacing budget allows. Staff prepared a detailed scope of work including a complete set of specifications and an invitation to bid package (Bid No. 21-001). Midstate Contractors, Inc. was the lowest qualified bidder for this project. Unit prices remain the same with a provision for adjustment of the liquid asphalt prices if adopted by North Carolina Department of Transportation (NCDOT). This project is awarded based on unit prices to allow for a variation of quantities that the City will pay for to complete the project. Staff will work with contractors to provide quantity control. This work is budgeted in the Street Division's FY 21-22 budget. Staff recommends approval of the bid and award of the contract with Midstate Contractors, Inc. for asphalt resurfacing.

- L. Approved on First Reading Budget Revision Number 3

ORDINANCE NO. 21-27
BUDGET REVISION NUMBER 3

BE IT ORDAINED by the Governing Board of the City of Hickory that, pursuant to N.C. General Statutes 159.15 and 159.13.2, the following revision be made to the annual budget ordinance for the fiscal year ending June 30, 2022, and for the duration of the Project Ordinances noted herein.

SECTION 1. To amend the General Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Government	160,000	-
TOTAL	160,000	-

To provide funding for the above, the General Fund revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	160,000	-
TOTAL	160,000	-

SECTION 2. To amend the Water and Sewer Fund within the FY 2021-22 Budget Ordinance, the expenditures are to be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Uses	395,449	-
TOTAL	395,449	-

To provide funding for the above, the Water and Sewer revenues will be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	395,449	-
TOTAL	395,449	-

SECTION 3. To amend the Murray Basin Capital Project Ordinance (#803301), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Water/Sewer Capital Projects	295,500	-
TOTAL	295,500	-

To provide funding for the above, the Project revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Other Financing Sources	295,500	-
TOTAL	295,500	-

SECTION 4. To amend the Trivium Corporate Center Capital Project Ordinance (#B1B001), the expenditures shall be amended as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
General Capital Projects	199,898	-
TOTAL	199,898	-

To provide funding for the above, the Project revenues will be changed as follows:

FUNCTIONAL AREA	INCREASE	DECREASE
Restricted Intergovernmental Revenue	99,949	-
Other Financing Sources	99,949	-
TOTAL	199,898	-

SECTION 5. Copies of the budget revision shall be furnished to the Clerk of the Governing Board, and to the City Manager (Budget Officer) and the Finance Officer for their direction.

- IX. Items Removed from Consent Agenda – None
- X. Informational Item
- XI. New Business:
 - A. Public Hearings
 - B. Departmental Reports:
 - 1. Annual Code Enforcement Update – Presentation by Hickory Police Department Captain Bryan Adams.

Mayor Guess asked Hickory Police Department Captain Bryan Adams to the podium to present Council with the annual Code Enforcement update.

Captain Bryan Adams presented a PowerPoint presentation. He mentioned that Sergeant Kyle Brown, Code Enforcement Supervisor was supposed to be presenting tonight, but Sergeant Brown had something came up at the last minute so he could not be present tonight. He advised he would give Council their yearly update for Code Enforcement. Code Enforcement was placed under the Police Department back in 2008. Properties fall within the context of broken windows and broken windows was clean up visible signs of disorder like graffiti, trash, debris, properties that were deteriorated or dilapidated, that would help prevent crime and also to improve quality of life issues within the City. Current code enforcement parameters, life safety issues, property maintenance, junk, and abandoned vehicles and so forth. The authority that they enforce under was North Carolina General Statutes, Hickory City Code, Land Development Code and North Carolina Residential and Building Code as well. He discussed the 2021 numbers from January 1 to date. He advised 497 nuisance cases and 26 housing cases, which was typically the course so that was not surprising.

Captain Adams discussed nuisance enforcement. Most nuisance cases were overgrown with vegetation and tall grass. That was the number one thing they face; junk and debris was second followed by junk vehicles.

Captain Adams explained the way the process worked per the City's ordinance. They get complaints or notifications about problem properties usually in one of three ways: from a citizen, from a patrol officer, or from their code enforcement officers being out being proactive in finding these properties. Once they get that complaint or that notification, they go out almost immediately on every single complaint. Once they go there and they determine that there was a nuisance on the property, a letter was mailed out to the property owner allowing the owner a minimum of 10-days to comply. They do not just only mail that letter out, they also try to contact the property owners as well too, to get the conversation started immediately. The goal always was not to write citations and abate the property. The goal was for them to be responsible property owners and for them to take care of the property themselves. That conversation was started almost immediately and was going on hopefully within this 10-day period if they could find these people. If that does not happen, if they do not abate the property or the problem within 10-days, then it does go to hearing. Hearings were held on the 1st and 3rd Fridays of each month before the Chief of Police. If they are non-compliant by that 10-days, then the hearing was held. If the people do not show up to that hearing, which was pretty uncommon that they show up, it was just a very small percentage through the years that people actually show up to those hearings. After the hearing if the Chief does determine that there was a nuisance on that property, then a letter was mailed out on that day. It goes out on that Friday, either the first or third, and then they give them 14-days. They give them an extra few days to make sure, because there was going to be an abatement process started after that or there was going to be citations and it was going to be costing somebody some money. They allow them the benefit of the doubt to give them a few extra days for that. It was four extra days from what the code said to allow for mailing to get out to people. If they do not do that, that was when citations could be written, or the property could be abated. Obviously, if it was not in compliance that may result in citations or abatement. He explained the process into a timeline. He used for an example, if the complaint came in on the best possible date to get on the very first hearing and everything fell in line, it would be the 28th day after the complaint came in before they could do anything with that property. That was the best-case scenario. Taking in what date that the hearing date falls on that could go into a handful of more days. He noted 28 to mid-30 days before they could actually abate the property or start something with the property.

Captain Adams referred to the PowerPoint and displayed some pictures of overgrown vegetation. He advised with this case, he thought it was a 7-day window. One photo was of the property when they started a conversation almost immediately and the property owner showed up and they took care of the property, which was what they ultimately want to happen. That was the typical kind of case they get. Obviously, there were different types of properties, but that was a residential structure that was overgrown junk and debris. He referred to another photo and advised on this particular property there was quite a bit more debris and stuff on the property. The neighbors were complaining that it was going to cause rodents and that it was affecting their property values. Code enforcement went out and they agreed as well. They started compliance. They knew this was not going to be a three-day fix because there was way more stuff on this property. They were going to have to be some time for this to pass. The letter went out. It went to hearing and the Chief found that it was a nuisance. They allowed them some more time because there was so much on this property, and they were actively working on the property to try to get it taken care of. He displayed a photo 12-days later and advised that it was even better now. There was more there that they were having to work with instead of just the stuff pictured.

Captain Adams advised that overgrown vegetation cases were typically from May 1st to September. He advised 197 cases in about a five-month period. Their code enforcement unit was inundated in those five-months with these cases every single year. He advised 47 cases of junk and debris so far this year. And the 3rd one in line was junk vehicles. The City's ordinance defines a junk vehicle, as a vehicle that does not run, its wrecked, its dilapidated, it does not operate in the proper order that it was supposed to, it was older than five-years old and/or it was valued at \$500 or less. Per the ordinance you could have one on your property, but it has to be at the back of the property and has to have an approved car cover on it. He referred to the PowerPoint photos and advised most of these cases were ones that code enforcement officers find as they were driving around the City. He referred to the photo and advised this house had two cars that were not in working order at all and there were no plans for them to be in any kind of

working order. He thought in a very short amount of time they got one gone and they got a car cover on the other one. Again, compliance was what they were looking for.

Captain Adams mentioned on these nuisance cases they have what was called a chronic violator. A chronic violator was someone who had three nuisance violations letters within a previous calendar year. For example, if they have somebody this year from January 1st until December 31st, who had three letters about nuisance on a single piece of property, not an owner who owns 10-pieces of property, and they have multiples, that had to be on a single piece of property. If they had three nuisance letters about that particular property, then they could deem them as a chronic violator. Just before January 1st, a certified letter would go out to them notifying them that their property and them had been notified as a chronic violator and if they were deemed that then anytime over that next calendar year, if there were any nuisances on that particular property, then they could be abated immediately and that does not go through that process that he previously discussed.

Alderwoman Patton asked if he knew how many of those cases they had.

Captain Adams advised he did not know, but he could definitely find out for her. He was sure that Sergeant Brown had that. He discussed homeless camps. He advised that Sergeant Brown had been a great asset to the code enforcement unit. He was a sworn police officer. His relationship coming from patrol had made the working relationship with code enforcement amazing. They talk to the patrol officers and vice versa. They were one team. The code enforcement unit finds out about a lot of these problem properties from patrol. He referred to the PowerPoint and advised in the photo the officers were out dealing with a gentleman camping in a certain area. Come to find out, he had gone into a wooded area. The officers went in and found this camp. They called Sergeant Brown and started a case immediately. They called the property owner. They knew the gentleman had been coming on and off the property, but they had no idea it was to this extent that he had built this kind of camp in this area, and it had happened in a very short amount of time, so the property owner was amazed too. They obviously did not want that on their property, and he thought that within approximately a month the property owner made all that go away and cleaned the property up. There was a trespass order signed for the property and the gentleman was banned from the property as well too.

Captain Adams discussed minimum housing. Minimum housing was a little bit of a different animal than nuisance. It could take a lot more time to make things happen because they were talking about structures. Structure problems and permits have to be pulled, and it could take a long time for that to happen. These were regulated by North Carolina General Statute. There were fewer calls, but way more time and work required to get a resolution. The process was similar. Once there was a violation noted, there was a letter mailed out to the owner, via daily mail and certified mail. The hearing with the code enforcement officer would be held within at least 10-days and no more than 30-days from the receipt. After the hearing if there was a determination that there was a violation on the property, then the letter was sent out and the owner was ordered to comply within 60-days of the receipt. They want compliance and this could take longer. He referred to a photo on the PowerPoint and showed a photo of a piece of property located at the corner of Second Avenue and 3rd Street Southeast. If they had seen the property lately it was quite a different property. He thought the new owner had finally come in and pulled all kinds of permits and it looked drastically different than the photo he was displaying. It looked a lot better, and they had come in and done that. It had been a lot of work, a lot of resolution by the code enforcement unit. They were staying in contact with the Catawba County Building Inspectors. All that work was going to come out to a final product that was going to be a responsible property owner that was going to have a nice piece of property in the City. Noncompliance citations were issued just like in the nuisance cases as well too. With these minimum houses, there was deteriorated structures. Deteriorated structures were something to bring within compliance of minimum housing standards was less than 50 percent of the value of the structure. He referred to the PowerPoint and displayed a photo of a house. He pointed out there were structure issues with the foundation. He referred to another photo and displayed a house that was in very bad condition. It was demolished at the end of last year but was considered a dilapidated structure to where the cost would be over 50 percent of the cost of the structure to fix it. In demolitions so far this year they had eight. They had all been owner abated, which was always their goal. He advised there was one coming up soon because the property and the means that the owner had they were going to have to abate that themselves. Due to the safety and the way the structure was, it was

just the right thing to do. That should be coming up in the next couple of weeks, one that the City will have to abate themselves.

Alderman Wood asked if the City absorbed the cost for that.

Captain Adams replied yes. It depends on the structure and depends on what was inside how much weight it was. If it was an empty house, the cost could go down. If it was a house where it had been a hoarding house and it was just absolutely full, it could drive the cost up drastically. He referred to the PowerPoint and displayed some photos of a fire structure and some pictures of demolitions that had taken place. He noted one of the demolitions had taken place a few days ago. It was taken down as a fire structure. He referred to another photo of a fire structure. A lot of safety issues with those. They were not secure at all, and they needed to come down when they get to that particular point.

Captain Adams discussed rehabilitation. The code enforcement unit's goal was always to rehabilitate if they possibly could and there were all kinds of resources and tools to do that with. He referred to a photo on the PowerPoint and advised this one they found on a major thoroughfare in the City. He showed a photo of the structure which was not good looking at all. Tall vegetation was not in line with the ordinance and the fence was not either. He noted there was a fence located behind one of the photos. They started having conversations with them, the owner understood and then cleared it out on their own and put the fence up. It looked much better. Compliance was what they were looking for.

Captain Adams discussed Kania Law Firm. They started with them in 2018. Over the years code enforcement had been rather successful in finding resolutions for trouble properties. However, some properties have presented difficult challenges with code enforcement in the City which had required an alternative method to achieve positive results. In 2018, they began a partnership with Kania Law Firm out of Asheville, North Carolina. Kania Law Firm was tasked with initiating and completing judicial foreclosures on behalf of the City on problem properties. Frequently, in minimum housing cases, code enforcement deals with properties that had been abandoned, or were neglected by their owners. A lot of these properties were heir situations. There were multiple owners and them trying to agree on what to do, and how to do it was a nightmare sometimes. These properties were oftentimes vacant and a focal point for vagrancy and other illegal activity. If during the minimum housing case code enforcement officers were unsuccessful abating the violations through the compliance of the property owner, the violations were abated by the City contractor and a case package would be presented to the Legal and Finance departments. Afterwards, the case would be presented to Kania Law Firm to proceed with the foreclosure on the property. Kania's partnership had provided the City with a legal path to move forward with cases that were once unresolved, that has resulted in more responsible property ownership within the City and contributed to a higher quality of life for its citizens. He referred to a photo on the PowerPoint and advised that this particular property had calls for service, as far as police alone, over 200-300 calls for service over the last three years on this particular property for all kinds of different situation; for code enforcement violations, for drugs, complaints from neighbors. He knew fire responded quite a few times and EMS responded numerous times to this particular property. Code enforcement was looking to try to do something with the house the whole time. There were some heir situations going on with it. It was kind of a mess from that standpoint as well too. They were able to find a nuisance on the particular property. They wrote numerous citations, and the property was abated as he had described using the process with Kania. It was turned over to them in July. There was not a bidder on that through the Kania process and it was actually turned over as property of the City of Hickory. The date that could have been effective they took a whole team of people out there because the neighbors were still complaining about it. There was a long process. It had been worked on by code enforcement for a longtime and many members from the City of Hickory worked on it. On that particular day, the date they could go enforce it, they took a team out there and he had to get out on that particular day. He left; he knew it was coming. Many different people from the City from all different units came out and made the property look like a respectable piece of property now. He referred to the after photo of the property on the PowerPoint. The neighbors were obviously elated now there was a responsible property owner and it had been taken care of.

Mayor Guess commented on that one particularly he heard from the neighborhood, and they were ecstatic when they showed up and when it was finally taken care of. They were very pleased with the outcome of that.

Captain Adams commented it was a long process to go through. He thought that from the time that Kania got it in their hands, he did not want to say exactly, but on this particular one, it was pretty quick. He wanted to say it was nine or ten months that it took to come to fruition. It was fairly quick to go through that kind of court process. He asked for questions.

Mayor Guess asked for questions from the Council.

Alderwoman Patton commented that they did a great job. Over the years they had made a tremendous difference in the community.

Captain Adams commented they were very passionate about their jobs and their goal was always to have a better Hickory.

Alderwoman Patton commented it shows.

Mayor Guess commented that code enforcement had grown over the years, and they had done a substantial job. He hears from people all the time about what a wonderful job they do and how much they appreciate them. He was sure the other Council members do as well.

Captain Adams thanked Mayor Guess. He would make sure to tell them that.

Alderwoman Williams asked if there were other areas that code enforcement enforced like the noise ordinance that comes under code.

Captain Adams responded, yes ma'am they could.

Alderwoman Williams added an animals.

Captain Adams replied yes, ma'am, that would be the Animal Control Unit.

Alderman Seaver commented it seemed like the motto should be "Be Compliant".

Council members thanked Captain Adams.

2. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area Grace McLaurin Resigned 7-12-2021 VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints) VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Other Minority (Council Appoints) VACANT
Differently Abled and is African American or Other Minority (Council Appoints) VACANT
Differently Abled (Council Appoints) Beth Whicker
(Not Eligible for Reappointment)

HISTORIC PRESERVATION COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Licensed Architect (Council Appoints) Ernie Sills
(Not Eligible for Reappointment)
At-Large (2)(Council Appoints) Mary Moorer
(Eligible for Reappointment/Does Not Wish to Serve Again)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 6 (Patton Appoints) Gail Miller
(Eligible for Reappointment/Does Not Wish to Serve Again)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints) VACANT
At-Large (Mayor Appoints) Beth Bowman
(Not Eligible for Reappointment)

PUBLIC HOUSING AUTHORITY

(Terms Expiring 6-30; 5-Year Terms) (Appointed by the Mayor)

Position 3 (Mayor Appoints)

VACANT

Position 9 (Mayor Appoints) (Unexpired Term of Rebecca Clements)

VACANT

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard

VACANT

Homeschool

VACANT

Mayor Guess reminded the audience of the vacancies on the City's boards and commissions. If anyone had any interest in serving or if they knew anybody that may be particularly interested in any of these boards or commissions, please let Council know and they would get them headed in the right direction as far as the application process and what all that involved. They always wanted to encourage those who may be interested. They always want to give special thanks to those who volunteer their time and service to these volunteer boards and commissions.

C. Presentation of Petitions and Requests

XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderwoman Patton commented that it was encouraging regarding the census numbers that Hickory was growing. She felt like the plan that they put into place back in 2014 to address the issues of declining population, doing the bonds, the citizens got behind it. She thought they were going to see the fruition. She agreed that the staff was providing lots of data where they think growth was going to be just on the numbers of building permits and what was coming. They were going to have more of a population shift.

Mayor Guess thought that the City's growth was 8.7 and the County was like 4.1 and the City was like 55 percent of the County's growth in Hickory. And the County, if he was not mistaken, was 18th out of the 100 counties in the State for population. He forgot what the State was out of the 50 states, but it was significant as well. He thought maybe 12th. It seemed like North Carolina was 12th out of the 50 states in the United States for the largest population.

Alderman Seaver commented they started this about 10-years ago when they got the census data and found out that people were leaving Hickory. People we need. We got some back, he guessed.

XIV. There being no further business, the meeting adjourned at 7:53 p.m.

Mayor

City Clerk